

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

X

RENE CARABALLO & CARMEN TORRES,

Plaintiffs,

-against-

HOMEcomings FINANCIAL, a subsidiary of GMAC-
RFC; FEDERAL NATIONAL MORTGAGE
ASSOCIATION; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.; NATIONSTAR
MORTGAGE; , and JOHN DOES 1 through 10,

Defendants.

X

CIVIL ACTION No.
12-cv-3127 (JPO)

**FIRST SET OF
INTERROGATORIES
OF DEFENDANT TO
PLAINTIFFS**

TO: **RENE CARABALLO**
Pro Se
2569 Bainbridge Avenue
Bronx, NY 10458

CARMEN TORRES
Pro Se
2569 Bainbridge Avenue
Bronx, NY 10458

Defendants Federal National Mortgage Association, Mortgage Electronic Registration Systems, Inc., and Nationstar Mortgage, LLC (individually and collectively, the "Defendants"), by and through their undersigned counsel, requests that Plaintiffs answer the following interrogatories separately and fully in writing, and under oath, within thirty (30) days from the date of service hereof pursuant to Rule 33 of the Federal Rules of Civil Procedure. These Interrogatories shall be deemed to be continuing in nature so as to require Plaintiffs reasonably to supplement or amend their answers in accordance with the instructions below.

INSTRUCTIONS

A. In answering these interrogatories, furnish all information available to you, including information in the possession of your attorneys or their investigators and all persons acting on your behalf, and not merely such information known of your own personal knowledge. If you cannot answer the interrogatories in full after exercising due diligence to secure the information, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you possess concerning the unanswered portions.

B. These interrogatories which follow are to be considered as continuing, and you are requested to provide, by way of supplementary answers thereto, such additional information as you or any other person acting on your behalf may hereafter obtain which will augment or otherwise modify your answers given to the interrogatories below.

DEFINITIONS

A. The term "persons" means and includes, without limiting the generality of its meaning, any natural person, corporate or business entity, firm, partnership, association, group, governmental body, agency, or subdivision, committee, commission, or other organization or entity.

B. The term "document" has the broadest meaning accorded to it by Rule 34 of the Federal Rules of Civil Procedure. The term "document" includes all written, printed, typed, recorded, transcribed, punched, taped, or graphic matter of every type and description, however and by whomever prepared, produced, reproduced, disseminated, or made, in the actual or constructive possession, custody, or control of you, including but not limited to all writings, letters, minutes, bulletins, telegrams, telexes, memoranda, notes, instructions, literature, work assignments, notebooks, diaries, calendars, records, agreements, contracts, notations of

telephone or personal conversations or conferences, messages, inter-office or intra-office communications, e-mail, microfilm, circulars, pamphlets, studies, notices, summaries, reports, books, checks, credit card vouchers, statements of account, receipts, invoices, graphs, photographs, drafts, data sheets, data compilations, computer data sheets, computer data compilations, work sheets, statistics, speeches or other writings, tape recordings, videotapes, audiotapes, phonograph records, data compilations from which information can be obtained or can be translated through detection devices into reasonably usable form, or any other tangible thing that records information in any way. The term "document" shall include the original and any copies that differ in any manner whatsoever from the original (whether different from the original because of notes made on such copy or otherwise) and any drafts thereof. For purposes of this definition, a document is in the possession or control of you if it is in the possession or control of any of your attorneys, investigators for your attorneys, independent accountants, directors, trustees, or any person acting on behalf of or in concert with you or with any of these persons, or otherwise under their possession or control.

C. The terms "relate to," "relating to," and "concerning" include referring to, alluding to, responding to, connected with, commenting on, in respect of, about, regarding, discussing, showing, describing, reflecting, analyzing, constituting, or in any way relevant to the specified subject within the meaning of Rule 26 of the Federal Rules of Civil Procedure.

D. "Communication" includes any written, oral, or other communication.

E. As used here, the singular form of a noun or pronoun shall be considered to include within its meaning the plural form of the noun or pronoun so used and vice versa. The male gender form of a pronoun shall also include the female gender form of the pronoun. The use of

any tense of any verb shall be considered to include also within its meaning all other tenses of the verb so used.

F. “And” and “or” shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

G. “Each,” “any,” and “all” are both singular and plural.

H. “You,” “Your,” or “Plaintiffs” means Rene Caraballo and Carmen Torres, both individually and collectively, under any name by which she or he might have ever been known, and shall also include her or his agents, representatives, investigators, attorneys, and all persons acting for or on behalf of her or him.

I. “Defendants” shall mean any or all of Federal National Mortgage Association, Mortgage Electronic Registration Systems, Inc., and Nationstar Mortgage, LLC, individually or collectively.

J. “Forensic Loan Audit” shall mean the Forensic Loan Audit prepared by Tila Solutions for Plaintiffs.

K. “Securitization Audit” shall mean that document annexed as Exhibit B to the Complaint.

L. “Complaint” means the initial Complaint and any and all Amended Complaints filed in the future in this matter.

M. The terms “Identify” or “identify” when used with reference to an individual shall mean to state:

1. His or her full name;
2. His or her present or last known work and residence addresses;
3. His or her current or last known work and residence telephone numbers;

4. His or her present or last known business affiliation, title and occupation;
and
5. Any additional specific information requested in the individual
Interrogatories.


N. The terms "Identify" or "identify" when used with reference to a document shall, with respect to all documents in your possession, custody or control (or in the possession, custody or control of anyone acting on your behalf), mean to:

1. Identify the type of document (e.g.: diary, memorandum, employment application, letter, etc.);
2. Set forth its date;
3. Identify the author (and, if different, the originator and signer);
4. Set forth the title, heading or other designation, numerical or otherwise, of the document;
5. Identify the person(s) (or if widely distributed, set forth the organization or classes of persons) to whom the document was sent;
6. Describe the general subject matter of the document;
7. Provide all additional specific information requested in the individual
Interrogatories; and
8. In lieu of providing the information requested above, a document may be identified by attaching a true, correct and legible copy thereof to your answers to these Interrogatories, indicating in your written answer(s) the

specific Interrogatory(ies) (or subpart(s) thereof) to which the document is responsive.

Dated: August 17, 2012

STEVENS & LEE, P.C.
Counsel to Defendants

By: 
Bradley L. Mitchell (BM 1691)
Constantine D. Pourakis (CP 0730)
485 Madison Avenue, 20th Floor
New York, New York 10022
Phone: (212) 319-8500
Fax: (212) 319-8505
blm@stevenslee.com; cp@stevenslee.com

INTERROGATORIES

1. Identify each person (excluding your attorney(s)), with whom you have discussed any of the claims, matters, or issues in this case. For each such person, state the nature of the discussion (i.e., written or oral), the substance of the discussion, and whether any document or recording of any kind relating to the discussion exists (and, if so, identify these documents).

ANSWER:

2. Identify each person who has knowledge, or who you believe has knowledge, about any of the events, claims, matters, or issues in this case. For each such person, state his or her name, the facts of which he or she has knowledge (or which you believe he or she has knowledge), the individual's telephone number and address, and the individual's employer.

ANSWER:

3. Identify each and every individual who has knowledge of facts supporting or tending to support your claims for damages in this action. For each individual, state the facts of which he or she has knowledge, the individual's telephone number and address, and the individual's employer.

ANSWER:

4. For each item of damages or other relief sought by you in this action, identify the nature of the damages or relief sought, the amount of monetary relief claimed, and the method of calculating the monetary relief sought, including but not limited to, the specific elements included, the amount claimed for each element, and the period it covers.

ANSWER:

5. Identify each and every lawsuit, civil action, administrative charge, litigation, and/or other legal proceeding to which you have ever been a party, including but not limited to bankruptcy and domestic matters. For each such proceeding, state the name and/or caption of the case, the date of filing or commencement, the court or agency in which it was filed, the docket or charge number, a summary of the claims involved, and your role in the case.

ANSWER:

6. For each expert witness you intend to call at trial in this matter, identify:

- a. The expert's name, business address, and professional qualifications;
- b. The subject matter on which the expert is expected to testify;

- c. The substance of the facts and opinions to which each said expert is expected to testify;
 - d. A summary of the grounds for each said expert's opinion(s);
 - e. Describe in detail all prior retentions, relationships, dealings and transactions between each such expert and Plaintiffs' lawyers;
 - f. Identify all professional publications of each of your experts, and specify the title, publisher, date, journal, treatise, volume numbers, page numbers and all other identifying information for each such publication; and
-

- g. Whether a report has been prepared by said expert. If so, attach a copy of the report to your Answers.

ANSWER:

7. Identify all persons by name and address who you know, or who you believe, witnessed or participated in any aspect of the occurrence(s) giving rise to your claims, or you know has, or you believe has, information about your claims or Defendants' defenses.
-

ANSWER:

8. As to each person identified in response to the preceding Interrogatory, provide a statement of the subject about which that person has knowledge or may have knowledge and a brief summary of that information.

ANSWER:

9. If you claim that any party to this litigation made any admission(s) as to the subject matter of this lawsuit, state:

- a. The date such admission(s) was made;
 - b. The name and address of the person who made such admission(s);
 - c. The name and address of the person(s) to whom such admission(s) was made;
 - d. The place where such admission(s) was made;
 - e. The name and address of each person who was present at the time such admission(s) was made;
 - f. The contents of such admission(s); and
-
- g. Identify all documents that relate to such admission(s).

ANSWER:

10. With regard to the allegations made in paragraph 16 of the Complaint:

- a. State specifically the facts on which you rely to support these allegations;
- b. Identify all individuals who have or may have knowledge of those facts; and
- c. Identify all documents supporting the allegations in paragraph 16 of the Complaint.

ANSWER:

11. With regard to the allegations made in paragraph 17 of the Complaint:

- a. State specifically the facts on which you rely to support these allegations;
- b. Identify all individuals who have or may have knowledge of those facts; and
- c. Identify all documents supporting the allegations in paragraph 17 of the Complaint.

ANSWER:

12. With regard to the allegations made in paragraph 19 of the Complaint:

- a. State specifically the facts on which you rely to support these allegations;
- b. Identify all individuals who have or may have knowledge of those facts; and
- c. Identify all documents supporting the allegations in paragraph 19 of the Complaint.

ANSWER:

13. With regard to the allegations made in paragraph 24 of the Complaint:

- a. State specifically the facts on which you rely to support these allegations;
- b. Identify all individuals who have or may have knowledge of those facts; and

- c. Identify all documents supporting the allegations in paragraph 24 of the Complaint.

ANSWER:

14. With regard to the allegations made in paragraphs 26 and 31 of the Complaint:

- a. State specifically the facts on which you rely to support these allegations;
- b. Identify all individuals who have or may have knowledge of those facts; and
- c. Identify all documents supporting the allegations in paragraphs 26 and 31 of the Complaint.

ANSWER:

15. With regard to the allegations made in paragraphs 32 through 37 of the Complaint:

- a. State specifically the facts on which you rely to support these allegations;
- b. Identify all individuals who have or may have knowledge of those facts; and
- c. Identify all documents supporting the allegations in paragraphs 32 through 37 of the Complaint.

ANSWER:

16. With regard to the allegations made in paragraph 44 of the Complaint:

- a. State specifically the facts on which you rely to support these allegations;
- b. Identify all individuals who have or may have knowledge of those facts; and
- c. Identify all documents supporting the allegations in paragraph 44 of the Complaint.

ANSWER:

17. With regard to the allegations made in paragraphs 53 and 55 of the Complaint:

- a. State specifically the facts on which you rely to support these allegations;
- b. Identify all individuals who have or may have knowledge of those facts; and
- c. Identify all documents supporting the allegations in paragraphs 53 and 55 of the Complaint.

ANSWER:

18. With regard to the allegations made in the Forensic Loan Audit:

- a. State specifically the facts on which were relied upon to support these allegations;
- b. Identify all individuals who have or may have knowledge of those facts; and
- c. Identify all documents supporting the allegations in the Forensic Loan Audit.

ANSWER:

19. With regard to the allegations made in the Securitization Audit:

- a. State specifically the facts on which were relied upon to support these allegations;
- b. Identify all individuals who have or may have knowledge of those facts; and
- c. Identify all documents supporting the allegations in the Securitization Audit.

ANSWER:

20. Identify all persons who you know, or who you believe, witnessed or participated in any aspect of the occurrences giving rise to your claims, or you know has, or you believe has, information about your claims or Defendants' defenses, and as to each such person, provide a statement of the subject about which that person has knowledge or may have knowledge and a brief summary of that information.

ANSWER:

21. Identify any individuals you have contacted as potential witnesses in connection with the above-captioned action, and as to each such person, provide a statement of the subject about which that person has knowledge or may have knowledge and a brief summary of that information.

ANSWER:

22. Have you ever been convicted of a crime? If so, set forth the nature of the conviction, the date and location in which the proceeding was filed and the nature of any punishment or penalty imposed.

ANSWER:

23. Identify each tangible thing and each document, including books, records, letters, emails, photographs or any printed or written material upon which You will rely in this lawsuit or which contains any information or relevant facts relating to the subject matter of this lawsuit, and attach a copy of each such document to your responses to these interrogatories.

ANSWER:

24. Identify each and every person, other than counsel of record, who assisted in any capacity in preparing responses to these interrogatories, and specify the nature and extent of that person(s)'s participation or assistance.

ANSWER: